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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**FACEBOOK, INC.'S NOTICE OF
APPEAL OF SPECIAL MASTER'S
AMENDED ORDER REGARDING
PRODUCTION OF ADI RELATED
DOCUMENTS**

Pursuant to Pretrial Order No. 40 (Dkt. 709), Facebook provides notice that it appeals the following portions of the Special Master’s Amended Order Regarding Production of ADI Related Documents (Record at 0001), as explained in more detail in Facebook’s reconsideration motion (*id.* at 0006):

1. the Special Master’s finding that certain ADI materials are discoverable, which are materials he has not reviewed and are outside of the three categories of materials this Court ordered Facebook to produce under compulsion on the basis that they concern “underlying facts”;

2. the Special Master’s findings that “Judge Corley’s [ADI] order does not exclude non-attorney internal Facebook communications [or] communications with [Facebook’s consulting experts] . . . from the scope of ADI documents to be produced” (*id.* at 0004–05 ¶ 14) and that “additional information regarding the relevance of [internal ADI] communications is necessary to determine whether such communications should be produced” (*id.* at 0005 ¶ 15), even though this Court: (a) conducted an *in-camera* review of communications of Plaintiffs’ choosing; (b) stated that “a lot of it” is not “relevant at all” and found some materials to be “privilege[d]” (*id.* at 0056 17:8–21); and (c) “dispose[d] of” Plaintiffs’ motion to compel these communications without ordering any produced (*id.* at 0285);

3. the Special Master’s finding that “all memoranda prepared by [Facebook’s consulting experts] . . . are within the scope of Judge Corley’s order” (*id.* at 0004 ¶ 13) even though: (a) this Court’s order refers only to “background and technical reports” prepared by these experts (*id.* at 0284); and (b) there is no evidentiary record or briefing regarding the other types of memoranda; and

4. the Special Master’s finding that “all audits,” including attorney audits, “are within the scope of Judge Corley’s order” (*id.* at 0004 ¶ 13), even though this Court’s order stated explicitly that Plaintiffs were “not seeking documents created by counsel” (*id.* at 0284).

1 Dated: December 23, 2021

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